

Remarks

Claims 2 to 25 are pending in this application. Claims 2 to 4, 6 to 12, and 15 to 24 have been withdrawn from consideration. Claims 5, 13, 14, and 25 are pending in the application, and have been rejected.

Rejections Under 35 U.S.C. §102

Claims 5 and 25 were rejected under 35 U.S.C. §102(e) as being anticipated by *Blasé* (U.S. Patent 6,354,070). Claim 25 has also been rejected under 35 U.S.C. §102(b) as being anticipated by *Fukao* (U.S. Patent 5,836,148).

To maintain a rejection under 35 U.S.C. §102(b), all of the elements of each claim must be disclosed in a single reference. The test for anticipation requires a strict, not substantial, identify of corresponding claim elements. *Finisar Corp. v. DirecTV Group, Inc.*, 523 F.3d 1323, 1334-35, 2008 U.S. Appl. LEXIS 8404, 27-28 (Fed. Cir. 2008). Applicants respectfully submit that amended claims 5 and 25 are not anticipated by either *Blasé* or *Fukao*, for the reasons stated below.

Rejection Under 35 U.S.C. §103

Claims 13 and 14 were rejected 35 U.S.C. §103(a) as being obvious over *Blasé*. Applicants respectfully disagree because claims 13 and 14 depend from amended claims 5 and 25 and are distinguishable from *Blasé* for the same reasons and for the additional reasons stated below.

To establish a *prima facie* case of obviousness a three-prong test must be met. First, there must be some suggestion or motivation, either in the references or in the knowledge generally available among those of ordinary skills in the art, to modify the reference. Second, there must be a reasonable expectation of success found in the prior art. Third, the prior art reference must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). *See*

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M.P.E.P. §2143. This is modified by the motivation flowing from (1) the prior art references, (2) the knowledge of the skilled technologist, or (3) the nature of the problem being solved. *In re Dembiczak*, 775 F. 3d 994 (Fed. Cir. 1999). This rule has been clarified as being flexible in allowing a reason to combine that may not be limited to a teaching, suggestion or motivation. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007).

Obviousness is not to be read into an invention on the basis of the Applicant's own statements; that is, the prior art must be viewed without reading into that art Applicant's teachings. *In re Murray*, 268 F. 2d 226, 46 CCPA 905; *In re Sporck*, 301 F.2d 686, 49 CCPA 1039. The issue, then, is whether the teachings of the prior art would, in and of themselves and without the benefits of Applicant's disclosure, make the invention as a whole, obvious. *In re Leonor*, 395 F.2d 801, 55 CCPA 1198.

The Federal Circuit has strictly prohibited the use of the patent or invention at issue as a tool to combine prior art references to find obviousness. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). The obviousness of a claim should not be decided through the use of the claim as a "guide through a maze of prior art references which combine the right references in the right ways so as to achieve the result of the invention, as defined by the asserted claim." *General American Transportation Corp. v. Cryo-Trans, Inc.*, 893 F.Supp 774, 793 (N.D. Ill. 1995). "The tendency to resort to 'hindsight' based upon Applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art." M.P.E.P. §2142.

Amendments

The above amendments to claims 5 and 25 are intended to address the examiner's Response to Arguments at pages 5 and 6 of the Action where it states,

The Applicant's arguments are not on point with regards to the "pretensioned" arguments since this language is not in the claims. As for the loaded and unloaded conditions, the claims have not set forth any particular "loads" or given description to the structure of the line guidance unit in order to accommodate for these particular loads. It is inherent that line guidance units, including the ones set forth in Blasé and Fukao, are designed to be in an arc-shape in the unloaded conditions and resist loads in the loaded conditions. The Examiner maintains that the Blasé and Fukao references meet the claimed apparatus limitations at set forth in claims 5, 13, 14, and 25.

In addition, to further clarify the "common contact surfaces" in the Blasé reference, please see the attached Figure 2 below.

[Figure 2 omitted]

Accordingly, claim 25 has been amended to recite the pre-tensioned and loaded conditions in a way that further distinguishes the cited references. By way of background, one object of the claimed invention is to provide a line guidance unit that does not sag when lines are installed in the unit. To do this, the common bearing surfaces are positioned and shaped to cause the line guidance unit to be pre-tensioned and arc-shaped when in an unloaded condition so that when lines are installed, the line guidance unit is better able to resist the line loads.

The examiner notes that the loads and pre-tensioned features were not specifically recited in the claims. While this was true, Applicants submit that the claims before being amended properly recited these features. Nonetheless, claims 5 and 25 have been amended to recite that the line guidance unit is pre-tensioned in an unloaded condition when lines are not in the line channel, and resists loads when lines are installed in the channel.

Further, as indicated above, the examiner included Fig. 2 of *Blasé* to illustrate the common contact surfaces of that device. It is true that *Blasé* can be arc-shaped, but it does not

appear that the arc-shape is due to contact between the common contact surfaces. Instead, that shape is a result of the line guidance unit being bent by external forces. The *Blasé* common contact surfaces “form a closed side wall when the cable guide is extended” (Col. 4, lines 48 to 49). As Fig. 2 shows, when the line guidance unit is not extended, the common contact surfaces are not engaged and, thus, have no affect on the shape or pre-tensioning of the unit.

Contrary to the reasons cited in the Action, *Blasé* is not a teaching that the common contact surfaces pre-tension the cable guide when it is in an extended position. Instead, the shape and position of the contact surfaces of *Blasé* would not result in a pre-tensioned and arc-shaped cable guide *when it is in an extended and unloaded condition*.

Applicants have, therefore, amended claims 5 and 25 to also recite that the contact surfaces cause the line guidance unit to be pre-tensioned and arc-shaped when the line guidance unit is in a substantially extended position. Of course, the line guidance unit is slightly more extended in a loaded state, but this amendment makes it clear that external forces are not causing the arc-shape. Applicants respectfully submit that amended claims 5 and 25 are not anticipated by *Blasé*.

The links of *Fukao* also appear to have side walls that form a closed wall when the guide is extended, and this arrangement will apparently resist loads when the guidance unit is in a loaded condition. Nonetheless, the line guidance unit of *Fukao* is not pre-tensioned or arc-shaped when in the extended and unloaded condition. Thus, claims 5 and 25 are not anticipated by *Fukao* either.

Applicants respectfully submit that pursuant to 35 U.S.C. §112 paragraph 4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore,

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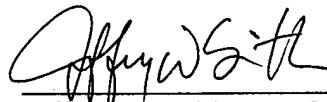
Applicants respectfully request the withdrawal of all claim rejections and prompt allowance of the claims.

Finally, claims 13 and 14 would not have been obvious for the reasons stated above and further because the arbitrary shapes of sidewalls in *Blasé* are not a teaching, suggestion, or motivation to pre-tension a line guidance unit and form it into an arc-shape when in an unloaded and substantially extended position. *Blasé* fails to teach that pre-tensioning is desirable, and therefore, fails to teach that the shapes of the sidewalls as being trapezoidal (claim 13) or rhomboidal (claim 14) would result in the benefits of pre-tensioning a line guidance unit. Thus, claims 13 and 14 would not have been obvious to one of ordinary skill in the art are now allowable.

Conclusion

For the foregoing reasons, the amended claims are allowable, and Applicants respectfully request that this case be passed to issue.

Respectfully submitted,



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